

ORIGINAL

August 18, 2023

RECEIVED IN PRO SE OFFICE

Hon. Frederic Block, U.S. District Judge  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

AUG 18 2023

Re: Miami Home LLC v. Ahmed, et al., 22-cv-01607 (FB)(JRC)  
Request to Set Aside Judgment of Foreclosure and Sale (F.R.C.P. 60(b))<sup>1</sup>

Dear Judge Block:

I am *pro se* defendant Shah Alam. I also write on behalf of my wife and co-defendant Salma Ahmed. For the reasons stated below, we respectfully request the Court to set aside the Judgment of Foreclosure and Sale which will terminate the auction of our house scheduled for August 24, 2023. Alternatively, we respectfully request the opportunity to formally file a motion to set aside judgment and appear at a conference with the Court. We are desperately trying to save our home and would like to work out a settlement with the Plaintiff.

My wife and I were not aware of this foreclosure action in this Court. At best, in June or July of 2022, while I was in Bangladesh, my wife noticed a thick package of documents that were left in front of our door. When I returned to the U.S. in August 2022, I saw the package and while I tried to review them, I did not understand a lot of the terms as English is not my dominant language. I suspected that they were documents concerning the second mortgage for which we knew we were behind on payments. However, I did not know that these documents might have been related a foreclosure action in this Court.

I took these documents to Queens Supreme Court hoping to speak to a lawyer to help me understand what to do. On the way, I saw the Law Office of Brian McCaffrey. I approached Mr. McCaffrey, a bankruptcy attorney, with these documents. Mr. McCaffrey advised me that I should file for Chapter 13 protection to save my house because I was late. He did not tell me that there was a foreclosure action in the federal court. On September 7, 2022, I retained Mr. McCaffrey to file a petition for my wife and me for Chapter 13 Bankruptcy Protection in the U.S. Bankruptcy Court for the Eastern District of New York.

I soon provided Mr. McCaffrey with the documents he asked me for, believing that he would immediately file our petition. However, he did not file anything, and in early March 2023, I received a copy of the Notice of Sale (Ct. Doc. 25). On or about March 7, and March 15, 2023, I contacted Mr. McCaffrey about the Notice of Sale, and he said he was going to file the petition. Because I was getting anxious, I also approached and retained Howard Warner, Esq., who immediately filed our Chapter 13 petition on March 22, 2023 (1-23-40955-JMM) (Exhibit A, Docket Sheet). (On May 15, 2023, Mr. McCaffrey filed his motion to substitute counsel for Howard Warner.). The petition was dismissed on June 28, 2023.

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<sup>1</sup> This letter was drafted with assistance from the City Bar Justice Center's Federal Pro Se Legal Assistance Project.

Hon. Frederic Block, U.S. District Judge  
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August 18, 2023  
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On March 29, 2023, Mr. McCaffrey filed a petition for Chapter 13 Bankruptcy Protection (1-23-41077 JMM) (Exhibit B, Docket Sheet). It was also on this day that Mr. McCaffrey notified this Court by filing a Notice of Bankruptcy staying the sale date set for April 6, 2023 (Ct. Doc. 28). The petition was dismissed on May 16, 2023. Mr. McCaffrey never explained to me why both petitions were dismissed.

My wife and I state that we did not know that there was a foreclosure action against us in this Court. We never received the Court's Scheduling Order for a status conference. I only now have learned that the documents we received in June or July 2022 may have been about this case. After receiving the second Notice of Sale (Ct. Doc. 30), I reached out to several lawyers and eventually was able to speak with an attorney from Queens Legal Services who explained to me that there had been a foreclosure action filed against me. I then learned about the City Bar Justice Center's Federal Pro Se Legal Assistance Project. The project's attorney explained to me about the litigation process and why Your Honor entered Judgment of Foreclosure and Sale.

I am a taxi driver, and due to the conditions of the global pandemic, along with my need to travel to Bangladesh for several months due to my mother's passing in 2022, I was not able to earn as much income as I had in the past. My family's financial situation has improved, which will enable my wife and me to work out an arrangement with the Plaintiff to remit amounts past due and make payments going forward.

For all of these reasons, we respectfully request that Your Honor set aside the Judgment of Foreclosure and Sale. In the alternative, we respectfully request the opportunity to prepare a more formal motion to set aside judgment and appear at a conference with the Court.

Thank you very much for your consideration.

Respectfully submitted,

*Shah Alam & SALMA AHMED*

Shah Alam, and also on behalf of Salma Ahmed, *spouse*  
33-52 59<sup>th</sup> Street  
Woodside, NY 11377  
Pro Se Defendant

cc: Alan H Weinreb, Esq.  
[alan@nyfclaw.com](mailto:alan@nyfclaw.com)

Susan Ellen Rizos, Esq. – Referee  
2255 31<sup>st</sup> Street, Suite 206B  
Astoria, NY 11105

## **Exhibit A**

DebtEd, DomSup, Repeat, DISMISSED

**U.S. Bankruptcy Court  
Eastern District of New York (Brooklyn)  
Bankruptcy Petition #: 1-23-40955-jmm**

*Assigned to:* Jil Mazer-Marino  
Chapter 13  
Voluntary  
Asset

*Date filed:* 03/22/2023  
*Debtor dismissed:* 06/28/2023  
*341 meeting:* 05/17/2023

*Debtor disposition:* Dismissed for Other Reason

***Debtor***

**Shah Alam**  
3352 59th ST  
Woodside, NY 11377  
QUEENS-NY  
SSN / ITIN: xxx-xx-5737

represented by **Brian McCaffrey**  
Brian McCaffrey, P.C.  
88-18 Sutphin Blvd., 1st Floor  
Jamaica, NY 11435  
718-480-8280  
Fax : 718-480-8279  
Email: [info@mynylawfirm.com](mailto:info@mynylawfirm.com)

**Howard S Warner**

29-23 200 Street  
#2  
Bayside, NY 11360  
917-783-0906  
Fax : (718)352-2381  
Email: [hwarner360@aol.com](mailto:hwarner360@aol.com)

***Trustee***

**Michael J. Macco**  
Michael J. Macco Trustee  
2950 Express Dr S  
Ste 109  
Islandia, NY 11749  
631-549-7908

***U.S. Trustee***

**Office of the United States Trustee**  
Eastern District of NY (Brooklyn)  
Alexander Hamilton Custom House  
One Bowling Green  
Room 510  
New York, NY 10004-1408  
(212) 206-2580

Filing Date	#	Docket Text

03/22/2023	<u>1</u> (58 pgs; 2 docs)	Chapter 13 Voluntary Petition for Individuals. Fee Amount \$313 Filed by Howard S Warner on behalf of Shah Alam Government Proof of Claim due by 9/18/2023. (Attachments: # <u>1</u> Schedule debtors income) (Warner, Howard) (Entered: 03/22/2023)
03/22/2023	<u>2</u> (1 pg)	Certificate of Credit Counseling for Debtor Filed by Howard S Warner on behalf of Shah Alam (Warner, Howard) (Entered: 03/22/2023)
03/22/2023	<u>3</u> (1 pg)	Employee Income Records / Copies of Pay Statements <i>affidavit in lieu of payroll information</i> Filed by Howard S Warner on behalf of Shah Alam (Warner, Howard) (Entered: 03/22/2023)
03/22/2023		Receipt of Voluntary Petition (Chapter 13)( <u>1-23-40955</u> ) [misc,volp13a] ( 313.00) Filing Fee. Receipt number A21495099. Fee amount 313.00. (re: Doc# <u>1</u> ) (U.S. Treasury) (Entered: 03/22/2023)
03/22/2023	<u>5</u> (3 pgs; 2 docs)	Deficient Filing Chapter 13: Last day to file Section 521(i)(1) documents is 5/8/2023. Pre-Petition Statement Pursuant to E.D.N.Y. LBR 2017-1 due by 4/5/2023. Chapter 13 Plan due by 4/5/2023. Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period Form 122C-1 Due 4/5/2023. Incomplete Filings due by 4/5/2023. (hrm) (Entered: 03/23/2023)
03/23/2023		Meeting of Creditors Chapter 13 & Appointment of Chapter 13 Trustee Macco, Michael J. with 341(a) Meeting to be held on 4/19/2023 at 10:15 AM at Room 4515, 271-C Cadman Plaza East, Brooklyn, NY. Proofs of Claims due by 5/31/2023. (Entered: 03/23/2023)
03/23/2023	<u>4</u> (1 pg)	Amended Employee Income Records / Copies of Pay Statements Filed by Howard S Warner on behalf of Shah Alam (Warner, Howard) (Entered: 03/23/2023)
03/23/2023	<u>6</u> (6 pgs; 4 docs)	Request for Notice - Chapter 13 Meeting of Creditors and Hearing on Confirmation. Confirmation hearing to be held on 5/4/2023 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. Last day to Object to Confirmation 5/4/2023.Objections to 523 due by 6/20/2023. (hrm) (Entered: 03/23/2023)
03/24/2023	<u>7</u> (1 pg)	Pre-Petition Statement Pursuant to E.D.N.Y LBR 2017-1 Filed by Howard S Warner on behalf of Shah Alam (Warner, Howard) (Entered: 03/24/2023)
03/24/2023	<u>8</u> (4 pgs)	Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period for 5 Years Form 122C-1. Disposable Income Is Determined Filed by Howard S Warner on behalf of Shah Alam (RE: related document(s) <u>5</u> Deficient Filing Chapter 13) (Warner, Howard) (Entered: 03/24/2023)
03/25/2023	<u>9</u> (4 pgs)	BNC Certificate of Mailing with Notice of Electronic Filing Notice Date 03/25/2023. (Admin.) (Entered: 03/26/2023)
03/25/2023	<u>10</u> (4 pgs)	BNC Certificate of Mailing - Meeting of Creditors Notice Date 03/25/2023. (Admin.) (Entered: 03/26/2023)
03/25/2023	<u>11</u>	BNC Certificate of Mailing with Notice of Deficient Filing Notice Date

	(3 pgs)	03/25/2023. (Admin.) (Entered: 03/26/2023)
03/27/2023	<u>12</u> (8 pgs)	Chapter 13 Plan dated 3/21/2023 Filed by Howard S Warner on behalf of Shah Alam (RE: related document(s) <u>5</u> Deficient Filing Chapter 13). (Warner, Howard) (Entered: 03/27/2023)
03/28/2023	<u>13</u> (3 pgs)	Notice of Appearance and Request for Notice Filed by Raquel Felix on behalf of Wilmington Trust Company not in its individual capacity but solely as Successor Trustee to U.S. Bank National Association, as Trustee, for MASTR Alternative Loan Trust 2005-5 (Felix, Raquel) (Entered: 03/28/2023)
03/31/2023	<u>14</u> (3 pgs; 2 docs)	Notice of Rescheduled Telephonic 341 Meeting with Instructions. Meeting scheduled for April 19, 2023 at 10:30am. (Macco, Michael) (Entered: 03/31/2023)
04/05/2023		<u>Pending Filing</u> Case Number(s): 23-41077 Filed 3/29/23 (mem) (Entered: 04/05/2023)
04/05/2023	<u>15</u> (4 pgs)	BNC Certificate of Mailing with Notice of Reset of Section 341 Meeting of Creditors Notice Date 04/05/2023. (Admin.) (Entered: 04/06/2023)
04/06/2023	<u>16</u> (1 pg)	Notice of Appearance and Request for Notice Filed by Andrew David Goldberg on behalf of Miami Home LLC (Goldberg, Andrew) (Entered: 04/06/2023)
04/13/2023	<u>17</u> (3 pgs)	(Motion refiled - see document no 19) - Motion to Dismiss Case <i>barring debtor</i> Filed by Michael J. Macco on behalf of Michael J. Macco. Hearing scheduled for 5/4/2023 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. (Macco, Michael) Modified on 4/19/2023 (tml). (Entered: 04/13/2023)
04/14/2023	<u>18</u> (4 pgs)	Objection to Confirmation of Plan <i>With Certificate Of Service</i> Filed by Raquel Felix on behalf of Wilmington Trust Company not in its individual capacity but solely as Successor Trustee to U.S. Bank National Association, as Trustee, for MASTR Alternative Loan Trust 2005-5 (RE: related document(s) <u>12</u> Chapter 13 Plan Filed After Commencement filed by Debtor Shah Alam). (Felix, Raquel) (Entered: 04/14/2023)
04/18/2023	<u>19</u> (3 pgs)	Motion to Dismiss Case Filed by Michael J. Macco on behalf of Michael J. Macco. Hearing scheduled for 5/4/2023 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. (Macco, Michael) Modified on 4/19/2023 changing the motion and notice not barring debtor (tml). (Entered: 04/18/2023)
04/19/2023		Statement Adjourning 341(a) Meeting of Creditors 341(a) Meeting Adjourned to 5/17/2023 at 10:30 AM at Teleconference - Brooklyn. Debtor absent. (Macco, Michael) (Entered: 04/19/2023)
04/26/2023	<u>20</u> (3 pgs)	Objection to Confirmation of Plan Filed by Andrew David Goldberg on behalf of Miami Home LLC (RE: related document(s) <u>12</u> Chapter 13 Plan Filed After Commencement filed by Debtor Shah Alam). (Goldberg, Andrew) (Entered: 04/26/2023)
05/02/2023	<u>21</u> (5 pgs)	Response Filed by Shah Alam (RE: related document(s) <u>19</u> Motion to Dismiss Case filed by Trustee Michael J. Macco) (jjf) (Entered: 05/02/2023)

		05/02/2023)
05/02/2023	<u>22</u> (1 pg)	Response Filed by Shah Alam (RE: related document(s) <u>19</u> Motion to Dismiss Case filed by Trustee Michael J. Macco, <u>21</u> Response filed by Debtor Shah Alam) (jjf) (Entered: 05/03/2023)
05/04/2023		Hearing Held and Adjourned; Appearances: Michael J. Macco Trustee, Brian McCaffrey Representing Debtor - Hearing scheduled for 05/25/2023 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. (RE: related document(s) <u>19</u> Motion to Dismiss Case Filed by Trustee Michael J. Macco) (tml) (Entered: 05/04/2023)
05/04/2023		Hearing Held and Adjourned; Appearances: Michael J. Macco Trustee, Brian McCaffrey Representing Debtor - Confirmation hearing to be held on 05/25/2023 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. (RE: related document(s) <u>12</u> Chapter 13 Plan Filed After Commencement Filed by Debtor Shah Alam) (tml) (Entered: 05/04/2023)
05/15/2023	<u>23</u> (1 pg)	Motion To Substitute Attorney Brian McCaffrey for Attorney Howard S Warner. Filed by Brian McCaffrey on behalf of Shah Alam. (McCaffrey, Brian) (Entered: 05/15/2023)
05/15/2023	<u>24</u> (33 pgs)	Amended Schedule(s), Required Statement(s) and Affidavit Pursuant to E.D.N.Y. LBR 1009-1(a) Schedule A/B, Schedule C, Schedule D, Schedule E/F, Schedule G, Schedule H, Schedule I, Schedule J, : Statement of financial affairs, LR1009 and form 2030 Fee Amount \$32 Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 05/15/2023)
05/15/2023		Receipt of Amended Schedule(s), Required Statement(s) and Affidavit Pursuant to E.D.N.Y. LBR 1009-1(a) (Fee Due)( <u>1-23-40955-jmm</u> ) [misc,aschsfa] ( 32.00) Filing Fee. Receipt number A21633274. Fee amount 32.00. (re: Doc# <u>24</u> ) (U.S. Treasury) (Entered: 05/15/2023)
05/15/2023	<u>25</u> (4 pgs; 2 docs)	Amended List of Creditors . Filed by Brian McCaffrey on behalf of Shah Alam (Attachments: # <u>1</u> Affidavit 1009) (McCaffrey, Brian) (Entered: 05/15/2023)
05/15/2023	<u>26</u> (5 pgs)	Amended Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period for 5 Years Form 122C-1. Disposable Income Is Not Determined Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 05/15/2023)
05/15/2023	<u>27</u> (3 pgs; 2 docs)	Request to enter into the Loss Mitigation Program with respect to Property located at 33-52 59th Street, Woodside, NY 11377, Loan No.# 5675 with creditor Miami Home, LLC, Filed by Brian McCaffrey on behalf of Shah Alam.. Objection to Loss Mitigation by 05/30/2023. (Attachments: # <u>1</u> Cert of service) (McCaffrey, Brian) (Entered: 05/15/2023)
05/15/2023	<u>28</u> (12 pgs; 2 docs)	First Amended Chapter 13 Plan 5/15/2023 Filed by Brian McCaffrey on behalf of Shah Alam (RE: related document(s) <u>12</u> Chapter 13 Plan Filed After Commencement filed by Debtor Shah Alam). (Attachments: # <u>1</u> cert of service) (McCaffrey, Brian) (Entered: 05/15/2023)
05/16/2023	<u>29</u> (1 pg)	Withdrawal of Claim Number(s): 1 Filed by Howard S Warner on behalf of Shah Alam. (Warner, Howard) (Entered: 05/16/2023)

05/17/2023		Chapter 13 Meeting of Creditors Held and Closed. (Macco, Michael) (Entered: 05/17/2023)
05/22/2023	<u>30</u> (12 pgs; 2 docs)	Second Amended Chapter 13 Plan 5/22/23 Filed by Brian McCaffrey on behalf of Shah Alam (RE: related document(s) <u>12</u> Chapter 13 Plan Filed After Commencement filed by Debtor Shah Alam, <u>28</u> Amended Chapter 13 Plan filed by Debtor Shah Alam). (Attachments: # <u>1</u> certificate of service) (McCaffrey, Brian) (Entered: 05/22/2023)
05/22/2023	<u>31</u> (17 pgs)	Monthly Operating Report for Filing Period 03/22/2023- 04/30/2023 Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 05/22/2023)
05/24/2023	<u>32</u> (9 pgs; 2 docs)	Amended Schedule(s), Statement(s) and Affidavit Pursuant to E.D.N.Y. LBR 1009-1(a) Schedule E/F, : LR1009A Filed by Brian McCaffrey on behalf of Shah Alam (Attachments: # <u>1</u> Affidavit 1009A) (McCaffrey, Brian) (Entered: 05/24/2023)
05/24/2023	<u>33</u> (16 pgs)	Amended Monthly Operating Report for Filing Period 03/22/2023 - 04/20/2023 <i>correcting calculations sum of columns</i> Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 05/24/2023)
05/25/2023	<u>34</u> (8 pgs)	Third Amended Chapter 13 Plan 5/25/2023 Filed by Brian McCaffrey on behalf of Shah Alam (RE: related document(s) <u>12</u> Chapter 13 Plan Filed After Commencement filed by Debtor Shah Alam, <u>28</u> Amended Chapter 13 Plan filed by Debtor Shah Alam, <u>30</u> Amended Chapter 13 Plan filed by Debtor Shah Alam). (McCaffrey, Brian) (Entered: 05/25/2023)
05/25/2023		Hearing Held and Adjourned; Appearances: Michael J. Macco Trustee, Brian McCaffrey Representing Debtor - Hearing scheduled for 06/15/2023 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. (RE: related document(s) <u>19</u> Motion to Dismiss Case Filed by Trustee Michael J. Macco) (tml) (Entered: 05/25/2023)
05/25/2023		Hearing Held and Adjourned; Appearances: Michael J. Macco Trustee, Brian McCaffrey Representing Debtor - Confirmation hearing to be held on 06/15/2023 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. (RE: related document(s) <u>34</u> Amended Chapter 13 Plan Filed by Debtor Shah Alam) (tml) (Entered: 05/25/2023)
05/26/2023	<u>35</u> (16 pgs)	Objection to Loss Mitigation Request Filed by Andrew David Goldberg on behalf of Miami Home LLC (RE: related document(s) <u>27</u> Loss-Mitigation Request - By the Debtor filed by Debtor Shah Alam) (Goldberg, Andrew) (Entered: 05/26/2023)
05/31/2023	<u>36</u> (3 pgs)	Objection to Confirmation of Plan Filed by Andrew David Goldberg on behalf of Miami Home LLC (RE: related document(s) <u>34</u> Amended Chapter 13 Plan filed by Debtor Shah Alam). (Goldberg, Andrew) (Entered: 05/31/2023)
06/05/2023	<u>37</u> (12 pgs; 2 docs)	Fourth Amended Chapter 13 Plan 6/5/2023 Filed by Brian McCaffrey on behalf of Shah Alam (RE: related document(s) <u>28</u> Amended Chapter 13 Plan filed by Debtor Shah Alam, <u>30</u> Amended Chapter 13 Plan filed by Debtor Shah Alam, <u>34</u> Amended Chapter 13 Plan filed by Debtor Shah



		Alam). (Attachments: # <u>1</u> certificate of service if amended plan) (McCaffrey, Brian) (Entered: 06/05/2023)
06/08/2023	<u>38</u> (1 pg)	Letter <i>Withdrawing Objection to Confirmation of Debtor's Chapter 13 Plan</i> Filed by Raquel Felix on behalf of Wilmington Trust Company not in its individual capacity but solely as Successor Trustee to U.S. Bank National Association, as Trustee, for MASTR Alternative Loan Trust 2005-5 (RE: related document(s) <u>18</u> Objection to Confirmation of the Plan filed by Creditor Wilmington Trust Company not in its individual capacity but solely as Successor Trustee to U.S. Bank National Association, as Trustee, for MASTR Alternative Loan Trust 2005-5) (Felix, Raquel) (Entered: 06/08/2023)
06/09/2023	<u>39</u> (12 pgs; 2 docs)	Fifth Amended Chapter 13 Plan 6/9/2023 Filed by Brian McCaffrey on behalf of Shah Alam (RE: related document(s) <u>12</u> Chapter 13 Plan Filed After Commencement filed by Debtor Shah Alam, <u>28</u> Amended Chapter 13 Plan filed by Debtor Shah Alam, <u>34</u> Amended Chapter 13 Plan filed by Debtor Shah Alam, <u>37</u> Amended Chapter 13 Plan filed by Debtor Shah Alam). (Attachments: # <u>1</u> cert of service) (McCaffrey, Brian) (Entered: 06/09/2023)
06/12/2023	<u>40</u> (8 pgs)	Monthly Operating Report for Filing Period May 1 2023- May 31 2023 <i>with Bank statement and CMT Driver detail report</i> Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 06/12/2023)
06/12/2023	<u>41</u> (13 pgs)	Amended Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period for 5 Years Form 122C-1. Disposable Income Is Determined <i>TO COMPLY WITH TRUSTEES - reference the bank statements filed by the NFS which is calculated as household income</i> Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 06/12/2023)
06/12/2023	<u>42</u> (4 pgs)	Amended Schedule(s), Statement(s) and Affidavit Pursuant to E.D.N.Y. LBR 1009-1(a) Schedule I, Schedule J, Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 06/12/2023)
06/15/2023		Hearing Held; Appearances: Michael J. Macco Trustee, Brian McCaffrey Representing Debtor - (RE: related document(s) <u>19</u> Motion to Dismiss Case Filed by Trustee Michael J. Macco) - Granted; Submit Order (tml) (Entered: 06/22/2023)
06/15/2023		Hearing Held; Appearances: Michael J. Macco Trustee, Brian McCaffrey Representing Debtor - (RE: related document(s) <u>39</u> Fifth Amended Chapter 13 Plan Filed by Debtor Shah Alam) - Marked Off / Motion to dismiss Granted (tml) (Entered: 06/22/2023)
06/28/2023	<u>43</u> (3 pgs; 3 docs)	Order Dismissing Case with Notice of Dismissal (RE: related document(s) <u>19</u> Motion to Dismiss Case filed by Trustee Michael J. Macco). Signed on 6/28/2023 (drk) (Entered: 06/28/2023)
06/30/2023	<u>44</u> (4 pgs)	BNC Certificate of Mailing with Notice of Dismissal Notice Date 06/30/2023. (Admin.) (Entered: 07/01/2023)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
08/18/2023 11:46:00			
<b>PACER Login:</b>	jeansoopark	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1-23-40955-jmm Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Headers: included Format: html Page counts for documents: included
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50

## **Exhibit B**

DebtEd, DomSup, Repeat, RELATED, DISMISSED, CLOSED

**U.S. Bankruptcy Court  
Eastern District of New York (Brooklyn)  
Bankruptcy Petition #: 1-23-41077-jmm**

*Assigned to:* Jil Mazer-Marino  
Chapter 13  
Voluntary  
Asset

*Date filed:* 03/29/2023  
*Date terminated:* 07/11/2023  
*Debtor dismissed:* 05/16/2023  
*341 meeting:* 05/17/2023

*Debtor disposition:* Dismissed for Other Reason

***Debtor***

**Shah Alam**  
33-52 59th Street  
Woodside, NY 11377  
QUEENS-NY  
SSN / ITIN: xxx-xx-5737

represented by **Brian McCaffrey**

Brian McCaffrey, P.C.  
88-18 Sutphin Blvd., 1st Floor  
Jamaica, NY 11435  
718-480-8280  
Fax : 718-480-8279  
Email: [info@mynylawfirm.com](mailto:info@mynylawfirm.com)

***Trustee***

**Michael J. Macco**  
Michael J. Macco Trustee  
2950 Express Dr S  
Ste 109  
Islandia, NY 11749  
631-549-7908

***U.S. Trustee***

**Office of the United States Trustee**  
Eastern District of NY (Brooklyn)  
Alexander Hamilton Custom House  
One Bowling Green  
Room 510  
New York, NY 10004-1408  
(212) 206-2580

Filing Date	#	Docket Text
03/29/2023	<u>1</u> (49 pgs)	Chapter 13 Voluntary Petition for Individuals. Fee Amount \$313 Filed by Brian McCaffrey on behalf of Shah Alam Government Proof of Claim due by 9/25/2023. (McCaffrey, Brian) (Entered: 03/29/2023)
03/29/2023	<u>2</u> (1 pg)	Pre-Petition Statement Pursuant to E.D.N.Y LBR 2017-1 Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 03/29/2023)

03/29/2023	<u>3</u> (1 pg)	Certificate of Credit Counseling for Debtor Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 03/29/2023)
03/29/2023	<u>4</u> (1 pg)	Employee Income Records / Copies of Pay Statements Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 03/29/2023)
03/29/2023	<u>5</u> (11 pgs; 4 docs)	Chapter 13 Plan 3/29/2023 Filed by Brian McCaffrey on behalf of Shah Alam. (McCaffrey, Brian) (Entered: 03/29/2023)
03/29/2023		Receipt of Voluntary Petition (Chapter 13)( <u>1-23-41077</u> ) [misc,volp13a] ( 313.00) Filing Fee. Receipt number A21513293. Fee amount 313.00. (re: Doc# <u>1</u> ) (U.S. Treasury) (Entered: 03/29/2023)
03/29/2023	<u>6</u> (8 pgs)	(DUPLICATE OF ECF # 5) Chapter 13 Plan 3/29/2023 Filed by Brian McCaffrey on behalf of Shah Alam. (McCaffrey, Brian) Modified on 4/5/2023 (mem). (Entered: 03/29/2023)
03/29/2023		Meeting of Creditors Chapter 13 & Appointment of Chapter 13 Trustee Macco, Michael J. with 341(a) Meeting to be held on 5/17/2023 at 10:00 AM at Room 4515, 271-C Cadman Plaza East, Brooklyn, NY. Proofs of Claims due by 6/7/2023. (Entered: 03/29/2023)
03/30/2023		<u>Prior Filing</u> Case Number(s): 23-40955-jmm (Case Still Pending) (aac) (Entered: 03/30/2023)
03/30/2023		The above case is related to Case Number(s) 23-40955-jmm (aac) (Entered: 03/30/2023)
04/04/2023	<u>7</u> (3 pgs)	Notice of Appearance and Request for Notice Filed by Raquel Felix on behalf of Wilmington Trust Company not in its individual capacity but solely as Successor Trustee to U.S. Bank National Association, as Trustee, for MASTR Alternative Loan Trust 2005-5 (Felix, Raquel) (Entered: 04/04/2023)
04/05/2023	<u>8</u> (6 pgs; 4 docs)	Request for Notice - Chapter 13 Meeting of Creditors and Hearing on Confirmation. Confirmation hearing to be held on 6/15/2023 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. Last day to Object to Confirmation 6/15/2023. Objections to 523 due by 7/17/2023. (mem) (Entered: 04/05/2023)
04/06/2023	<u>9</u> (1 pg)	Notice of Appearance and Request for Notice Filed by Andrew David Goldberg on behalf of Miami Home LLC (Goldberg, Andrew) (Entered: 04/06/2023)
04/07/2023	<u>10</u> (3 pgs)	BNC Certificate of Mailing with Notice of Hearing on Confirmation Notice Date 04/07/2023. (Admin.) (Entered: 04/08/2023)
04/07/2023	<u>11</u> (4 pgs)	BNC Certificate of Mailing with Notice of Electronic Filing Notice Date 04/07/2023. (Admin.) (Entered: 04/08/2023)
04/07/2023	<u>12</u> (4 pgs)	BNC Certificate of Mailing - Meeting of Creditors Notice Date 04/07/2023. (Admin.) (Entered: 04/08/2023)

04/07/2023	<u>13</u> (10 pgs)	BNC Certificate of Mailing with Chapter 13 Plan Notice Date 04/07/2023. (Admin.) (Entered: 04/08/2023)
04/12/2023	<u>14</u> (20 pgs)	Amended Schedule(s), Statement(s): Schedule A/B, Schedule C, Schedule I, Schedule J, : Statement of Financial Affairs Filed by Brian McCaffrey on behalf of Shah Alam (McCaffrey, Brian) (Entered: 04/12/2023)
04/13/2023	<u>15</u> (3 pgs; 2 docs)	Request to enter into the Loss Mitigation Program with respect to Property located at 33-52 59th Street, Woodside, NY 11377, Loan No.# 5675 with creditor Miami Home LLC, Filed by Brian McCaffrey on behalf of Shah Alam.. Objection to Loss Mitigation by 04/27/2023. (Attachments: # <u>1</u> certificate of service) (McCaffrey, Brian) (Entered: 04/13/2023)
04/13/2023	<u>16</u> (3 pgs)	(Motion refiled - See document no 18) - Motion to Dismiss Case <i>barring debtor</i> Filed by Michael J. Macco on behalf of Michael J. Macco. Hearing scheduled for 5/4/2023 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. (Macco, Michael) Modified on 4/19/2023 (tml). (Entered: 04/13/2023)
04/14/2023	<u>17</u> (4 pgs)	Objection to Confirmation of Plan <i>With Certificate Of Service</i> Filed by Raquel Felix on behalf of Wilmington Trust Company not in its individual capacity but solely as Successor Trustee to U.S. Bank National Association, as Trustee, for MASTR Alternative Loan Trust 2005-5 (RE: related document(s) <u>5</u> Chapter 13 Plan with Petition filed by Debtor Shah Alam). (Felix, Raquel) (Entered: 04/14/2023)
04/18/2023	<u>18</u> (3 pgs)	Motion to Dismiss Case Filed by Michael J. Macco on behalf of Michael J. Macco. Hearing scheduled for 5/4/2023 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. (Macco, Michael) Modified on 4/19/2023 to change motion barring debtor (tml). Modified on 4/19/2023 changing the motion and notice not barring debtor (tml) (Entered: 04/18/2023)
04/26/2023	<u>19</u> (3 pgs)	Objection to Confirmation of Plan Filed by Andrew David Goldberg on behalf of Miami Home LLC (RE: related document(s) <u>5</u> Chapter 13 Plan with Petition filed by Debtor Shah Alam). (Goldberg, Andrew) (Entered: 04/26/2023)
04/26/2023	<u>20</u> (22 pgs; 4 docs)	Objection to Loss Mitigation Request Filed by Andrew David Goldberg on behalf of Miami Home LLC (RE: related document(s) <u>15</u> Loss-Mitigation Request - By the Debtor filed by Debtor Shah Alam) (Attachments: # <u>1</u> Exhibit A - Modification Agreement # <u>2</u> Schedules IJ 23-41077 # <u>3</u> Schedules IJ 23-40955) (Goldberg, Andrew) (Entered: 04/26/2023)
04/28/2023	<u>21</u> (3 pgs; 2 docs)	Notice of Rescheduled Telephonic 341 Meeting with Instructions. Meeting scheduled for May 17, 2023 at 10:30am. (Macco, Michael) (Entered: 04/28/2023)
05/01/2023	<u>22</u> (3 pgs; 2 docs)	Order that Court will hold a hearing on whether the Debtor and the Lendershall enter the Loss Mitigation Program (RE: related document(s) <u>15</u> Loss-Mitigation Request - By the Debtor filed by Debtor Shah Alam, <u>20</u> Objection ). Signed on 5/1/2023. Hearing scheduled for 6/6/2023 at 01:00 PM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. (aac) (Entered: 05/01/2023)

05/01/2023	<u>23</u> (2 pgs)	Affirmation in Opposition to trustees motion to dismiss Filed by Brian McCaffrey on behalf of Shah Alam (RE: related document(s) <u>16</u> Motion to Dismiss Case filed by Trustee Michael J. Macco, <u>18</u> Motion to Dismiss Case filed by Trustee Michael J. Macco) (McCaffrey, Brian) (Entered: 05/01/2023)
05/02/2023	<u>24</u> (5 pgs)	Response Filed by Shah Alam (RE: related document(s) <u>18</u> Motion to Dismiss Case filed by Trustee Michael J. Macco) (jff) (Entered: 05/02/2023)
05/02/2023	<u>25</u> (1 pg)	Response Filed by Shah Alam (RE: related document(s) <u>18</u> Motion to Dismiss Case filed by Trustee Michael J. Macco, <u>24</u> Response filed by Debtor Shah Alam) (jff) (Entered: 05/03/2023)
05/03/2023	<u>26</u> (4 pgs)	BNC Certificate of Mailing with Application/Notice/Order Notice Date 05/03/2023. (Admin.) (Entered: 05/04/2023)
05/03/2023	<u>27</u> (4 pgs)	BNC Certificate of Mailing with Notice of Reset of Section 341 Meeting of Creditors Notice Date 05/03/2023. (Admin.) (Entered: 05/04/2023)
05/04/2023		Hearing Held; Appearances: Michael J. Macco Trustee, Brian McCaffrey Representing Debtor - (RE: related document(s) <u>18</u> Motion to Dismiss Case Filed by Trustee Michael J. Macco) - Granted; Submit Order (tml) (Entered: 05/04/2023)
05/16/2023	<u>28</u> (3 pgs; 3 docs)	Order Dismissing Case with Notice of Dismissal (RE: related document(s) <u>18</u> Motion to Dismiss Case filed by Trustee Michael J. Macco). Signed on 5/16/2023 (tml) (Entered: 05/17/2023)
05/19/2023	<u>29</u> (3 pgs)	BNC Certificate of Mailing with Notice of Dismissal Notice Date 05/19/2023. (Admin.) (Entered: 05/20/2023)
07/07/2023	<u>30</u> (4 pgs)	Chapter 13 Trustee Final Report and Account for Dismissed Case. (Macco, Michael) (Entered: 07/07/2023)
07/11/2023	<u>31</u> (2 pgs; 2 docs)	Order to Close Dismissed Case (ch13c4dsm) (Entered: 07/11/2023)
07/11/2023		Close Bankruptcy Case (ch13disms) (Entered: 07/11/2023)

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